NATIONAL FOUNDATION FOR AMERICAN POLICY

NFAP POLICY BRIEF » OCTOBER 2011

WAITING AND MORE WAITING: AMERICA'S FAMILY AND EMPLOYMENT-BASED IMMIGRATION SYSTEM

BY STUART ANDERSON

EXECUTIVE SUMMARY

Today, the most distinguishing characteristic of innovative and adaptive immigrants is an ability to wait a long time. That is because America's system for both family-sponsored and employment-based immigration is saddled with backlogs that force individuals and their American sponsors to wait many years – potentially decades – before obtaining a green card. Absent action by the President and Congress the situation will grow worse, creating much hardship and weakening the competitiveness of U.S. companies. The estimates are based on examining data from the U.S. Department of State and U.S. Citizenship and Immigration Services, as well as consulting with attorneys and government officials. The research was made possible by a grant from the Carnegie Corporation of New York. The statements made and views expressed are solely the responsibility of the author.

A highly skilled Indian national sponsored today for an employment-based immigrant visa in the 3rd preference could wait potentially 70 years to receive a green card. The 70-year wait is derived from calculating that there exists a backlog of 210,000 or more Indians in the most common skilled employment-based category (the 3rd preference or EB-3) and dividing that by the approximately 2,800 Indian professionals who receive permanent residence in the category each year under the law.

While the majority of employer-sponsored immigrants tend to be from India and China, the wait times are longest for such foreign nationals because of the per country limit. Given the potential working lifetime delay in obtaining a green card, such skilled foreign nationals would be compelled to leave the United States in search of more stable and promising career opportunities. America would lose much talent as U.S.-based businesses would need to hire or place such skilled individuals abroad, rather than invest in a green card process likely to last decades. The report concludes that even if the backlog of Indians in EB-3 were half as large, the wait time would still exceed 30 years for Indians sponsored today in the category. Many professionals from India have already been waiting 7 to 9 years in the United States. A Chinese national sponsored today in the EB-3 category could wait two decades.

The issue of wait times for employment-based immigrant visas is vital because when employers recruit at U.S. universities they generally find one-half to two-thirds of the graduates in science, math and engineering fields are foreign nationals. Failure to retain these talented individuals in the United States means they will go to work for international companies in other countries or U.S. businesses will need to place them abroad, pushing more work outside the United States. An ability to offer a prized employee a realistic chance of staying in America as a permanent resident can be crucial to retaining that individual. In addition to the high proportion of foreign nationals graduating in key fields from U.S. universities, individual achievers make an important impact on the economy.

A key part of any solution to reducing wait times is to eliminate the per country limit for employment-based immigrants. (The recently introduced bill H.R. 3012 would eliminate the per country limit within four years.) Eliminating the per country limit would reduce the typical wait for Indians applying today in the EB-3 category from 70 to 12 years. While 12 years is still too long, it would be a welcome reform that would provide green cards for Indian and Chinese professionals waiting the longest in the EB-3 and EB-2 (employment second preference) categories and equalize the wait times in the EB-2 category at about two to three years without regard to country of origin (as opposed to potential waits of 6 years or more for Chinese and Indian nationals in the EB-2 category). An exemption from employment-based green card quotas of at least 25,000 or 50,000 for international students who graduate with an advanced degree in science, technology, engineering or math (STEM) from a U.S. university would further reduce the backlog and wait times, producing an even larger impact if combined with making available up to 326,000 employment visas unused in previous years.

The estimated overall backlog of skilled employment-based immigrants calculated in this analysis is about 500,000 (principals and dependents), which is a conservative estimate, as others in recent years have estimated the backlog to be as high as one million.[1] For analysis purposes, the estimate of the impact under various scenarios assumes the annual flow of sponsored individuals and dependents matches the current quota, in practice, for EB-2 (50,000) and EB-3 (35,040). To the extent the annual flow is higher or lower, that would change the impact of a STEM exemption or other legislative changes on backlogs and wait times.

In addition to the problems experienced by Indians, many skilled foreign nationals from China have been waiting 6 or 7 years for an employment-based green card and can expect to wait additional years without a change to the law. Skilled foreign nationals from countries other than India and China have been waiting one to 6 years in the employment-based third preference and some may wait another four years or more. In the EB-2 category (second employment-based preference), skilled foreign nationals from India and China may wait 6 years or more, although nationals of other countries typically receive green cards in the category with little or no wait.

The long waits for employment-based green cards are caused by two primary factors: 1) the 140,000 annual quota is too low and 2) the per country limit, which restricts the number of green cards available to skilled immigrants from one country to 7 percent of the total. Due to the per country limit, skilled foreign nationals from India and China, who make up most of the applicants, wait years longer than nationals of other countries.

[1] The analysis in this paper does not address waiting times among "Other Workers" (lower-skilled) in the employment-based backlog. An estimate of approximately one million in the employment-based backlog appears in Vivek Wadhwa, Guillermina Jasso, Ben Rissing, Gary Gereffi and Richard Freeman, *Intellectual Property, The Immigration Backlog and a Reverse Brain-Drain*, America's New Immigrant Entrepreneurs, Part III, Duke University, New York University, Harvard Law School and Ewing Marion Kauffman Foundation, August 2007, p. 4, where it states, "We estimate that as of 30 September 2006 there were 500,040 principals in the main employment- based categories and an additional 555,044 family members awaiting legal permanent resident status in the United States."

The availability of green cards is no better for most family-sponsored immigrants. The criticism that the U.S. immigration system tilts toward family admissions rests, in part, on the assumption family members sponsored by U.S. citizens quickly come to America and become permanent residents, which is not the case. The wait times for sponsoring a close family member are long, in some cases extremely long. A U.S. citizen petitioning for an adult son or daughter from Mexico can expect to wait about 18 years. Some U.S. citizens petitioning for a brother or sister from the Philippines have waited since before the fall of the Berlin Wall, more than 20 years. In November 2010, the State Department tabulated a waiting list of more than 4.5 million close relatives of U.S. citizens and lawful permanent residents.

Under the law, a U.S. citizen can sponsor for permanent residence a spouse, parent, sibling and a minor or adult child; lawful permanent residents (green card holders) can petition for a spouse or minor or adult child. The majority of U.S. family immigration (52 percent) is derived from U.S. citizens petitioning for their spouses and minor children, a part of our immigration system no one proposes to eliminate. A lawful permanent resident (green card holder) can sponsor a spouse or child. The wait times vary for the categories, in part due to the application of per-country limits. Liberalizing the per country limits for family immigrants would help those with the longest waits, while raising the quotas or utilizing unused family visas from prior years would reduce the overall waiting times.

Analysis finds "chain migration" is a contrived term that seeks to put a negative light on a phenomenon that has taken place throughout the history of the country – some family members come to America and succeed, and then sponsor other family members. Using numbers available from the U.S. Citizenship and Immigration Services Ombudsman and the U.S. Department of State shows 41 years would pass between the time a U.S. citizen filed a petition for an adult son or daughter from Mexico in 1992 and someone in the sibling category sponsored by that adult child could immigrate in the year 2033. That length of time does not sound like an "endless" chain of relatives, as is sometimes discussed.

Some have argued for eliminating certain family categories, even if doing so serves no real purpose. Contrary to popular belief, family immigration is not about "extended family." A child 21 years or older is not a distant or "extended" family member, neither is a sibling, particularly given the closeness of many sibling relationships around the world. The 65,000 individuals who enter through the sibling category each year equal about 6 percent of overall U.S. legal immigration in a given year. And the annual flow from the sibling category represents only 0.02 percent of the U.S. population. Similarly, the 23,400 in the categories for the sons and daughters of U.S. citizens – 21 or older, unmarried and married – each equal only about 2 percent of overall legal immigration and 0.008 percent of the U.S. population annually. Eliminating these categories would produce only a small drop in overall legal immigration and lead to great hardship for tens of thousands of Americans and their loved ones.

Unlike seemingly intractable budget or foreign policy issues, the problems with employment-based and family-sponsored green cards can be solved with small changes to the law. Eliminating the per country limit for employment-based immigrants and liberalizing it for family-sponsored immigrants would have an important positive impact. Raising the quotas or providing targeted exemptions from those quotas, as well as utilizing unused visas from previous years could significantly reduce waiting times. Such reforms are necessary. After all, an ability to wait a long time should not be the characteristic most prized in an immigrant to the United States.

EMPLOYMENT-BASED GREEN CARD WAITS ARE DECADES-LONG FOR SOME

Today, hundreds of thousands of highly skilled foreign nationals are languishing in immigration backlogs, waiting years for the chance to obtain permanent residence (also known as a green card). The lack of employment-based green cards harms the competitiveness of U.S. employers and pushes more work and innovation outside the country.

With no change to current law, an Indian-born professional sponsored today could wait 70 years for an employment-based green card. That is because the potential backlog in the employment-based third preference category (EB-3) – the most common employment category – is 210,000 for Indians (principals and dependents), while under the per country limit, generally no more than 2,800 Indians can receive permanent residence in the EB-3 category each year. (Indians averaged fewer than 3,000 green cards annually in that category in 2009 and 2010.) In practice, of course, no one is going to wait 70 years for a green card – nor is any company going to sponsor someone with that type of wait. That holds important implications for whether highly skilled foreign nationals, including international students, will be able to stay long-term in the United States without changes to the law. Foreign nationals would have concerns that children included as part of the immigration petition would "age out" and not be allowed to become permanent residents. The numbers provide an illustration of how long the waits for permanent residence could be absent action by Congress.

Table 1
Estimated Wait for Indian Professional Filing for an Employment-Based Green Card (EB-3)

Estimated Number of Indians in EB-3 (employment preference third) Backlog	Indians Granted Permanent Residence Per Year (average of 2009 and 2010)	Estimated Wait Time to Receive Employment-Based Green Card in EB-3 Category if Indian Professional Sponsored Today
210,000	2,860	70 years

Source: National Foundation for American Policy; Department of Homeland Security, State Department. The per country limit generally restricts the number of individuals from one country to 2,800 a year in the EB-3 category.

One can estimate the backlog of Indians in the EB-3 category is 210,000 from available data. The U.S. Department of State has listed 49,850 Indians on the waiting list in the third preference category with a priority date prior to January 1, 2007.[2] (Priority dates normally coincide with the filing of a petition or of labor certification, an early stage in the employment-based green card process.) However, that 49,850 figure does not include all the cases at various stages in the process at U.S. Citizenship and Immigration Services with a priority date prior to January 1, 2007. Rounding that figure upwards would get to at least 60,000 (and it could be much higher).

[2] http://www.travel.state.gov/pdf/EmploymentDemandUsedForCutOffDates.pdf.

To reach another 150,000 Indians for fiscal years 2007 through 2011 requires only about 15,000 individual Indian professionals sponsored for green cards each year for 5 years, with each averaging one dependent, another 15,000, for a total of 30,000 a year for 5 years or 150,000. To illustrate why an estimate of at least 15,000 Indians sponsored for green cards annually in EB-3 is reasonable, consider that 61,739 new H-1B petitions (for initial employment) were approved for Indians in FY 2008, and 33,961 Indians were approved for new H-1B petitions in FY 2009.[3] A large proportion of H-1B visa holders are sponsored for green cards. In addition, employers frequently sponsor for green cards skilled foreign nationals already inside the country in another temporary status, such as L-1 (for intracompany transferees). Attorneys estimate 20 percent of those waiting for green cards in the EB-2 and EB-3 categories are in a status other than H-1B.

WHY THE ISSUE IS IMPORTANT

When employers recruit at U.S. universities they generally find one-half to two-thirds of the graduates in science, math and engineering fields to be foreign nationals. (See NFAP's October 2011 report *Keeping Talent in America*.) Failure to retain these talented individuals in the U.S. means they will go to work for international companies outside the United States or U.S. businesses will need to place them abroad. An inability to offer a prized employee a realistic chance of staying in America as a permanent resident may mean losing that individual.

In addition to the high proportion of foreign nationals graduating in key fields from U.S. universities, individual achievers among them make an important impact on the economy. An immigrant was the founder of one out of four venture-backed companies that became publicly-traded companies between 1990 and 2005, according to a study by the National Venture Capital Association.[4] Many outstanding foreign-born researchers at Google, Microsoft and many smaller companies have produced important innovations that have created jobs and products enjoyed by millions in the United States.

WHAT HAS CAUSED THE LONG WAITS?

The long waits for employment-based green cards are caused by two primary factors. First, the 140,000 annual quota is too low to accommodate the number of skilled foreign nationals able to be absorbed successfully in an economy the size of America's, with a population of over 300 million people. While the Gross Domestic Product (GDP) of the United States has nearly tripled (in nominal dollars) since 1990, from $5.8 trillion to $15 trillion, the employment-based immigrant visa category has remained at 140,000 visas annually since 1990.

---

[3] *Characteristics of Specialty Occupational Workers (H-1B): Fiscal Year 2009*, Department of Homeland Security, April 15, 2010, p. 6.
[4] Stuart Anderson and Michaela Platzer, *American-Made*, National Venture Capital Association, 2006.

The 140,000 annual limit includes both the principal and dependent family members. For example, in 2009, dependents utilized more than half of the slots for employment-based visas – 76,935 of 140,903.[5] The spouses and children of H-1B temporary visas do not count against the annual quotas. Including the exemptions from the 65,000 annual quota on H-1Bs, an average of 106,000 new professionals gained H-1B status each year between FY 2006 and FY 2009.[6] That is one source of future green card holders. Others include individuals transferred from abroad on L-1 visas, as well as researchers and others sponsored directly from abroad without first working in the United States.

PER COUNTRY LIMITS

Eliminating the per country limit on employment-based immigrants will dramatically reduce wait times for immigrants from India and, to a lesser extent, China. In addition to the 140,000 overall annual limit on employment-based green cards, there is also a per country limit, which has a disparate impact on immigrants from countries with a large population of highly educated professionals, particularly India and China. A company could file petitions for green cards on the same day for two engineers with identical credentials, one from India and the other from Belgium. Because of the per country limit, the engineer born in Belgium may receive his green card in 6 years, while it could take 20 years for his colleague from India. As the analysis that appears in this report demonstrates, an Indian national sponsored for a green card in the employment-based third preference (EB-3) might wait decades to obtain a green card.

Policymakers are starting to appreciate that no national interest is served by the U.S. government, in effect, discriminating in favor of one nationality over another, even if it is doing so unintentionally. Certainly if individual employers announced they intend to limit how many people of Indian or Chinese origin they planned to hire or sponsor this year the companies would face public criticism or even legal action.

The Immigration and Nationality Act, in Section 202(a), details the per country limit: "[T]he total number of immigrant visas made available to natives of any single foreign state . . . may not exceed 7 percent . . . of the total number of such visas made available under such subsections in that fiscal year."[7] That would limit employment-based immigrants from one country to approximately 10,000 a year. However, another provision permits nationals

[5] *2009 Yearbook of Immigration Statistics*, Office of Immigration Statistics, Department of Homeland Security, 2009, Table 7. Note: In some years the number of immigrants recorded in the statistical yearbook does not match the 140,000 annual quota either because additional visas were allotted from unused family visas from the prior fiscal year or because individuals did not arrive in the United States in the same fiscal year in which their visas were approved by the U.S. Department of State.
[6] *Characteristics of Specialty Occupational Workers (H-1B): Fiscal Year 2009*, p. 4.
[7] Section 202(a)(2) of the INA.

of a country to exceed this ceiling if additional employment-based visas are available.[8] Still, in general, the per country limits compel individuals from countries with large populations years to wait longer than people from smaller population countries.[9]

UNUSED EMPLOYMENT VISAS

A surprising contributing factor to the employment-based green card backlog is unused visas from prior years. Between FY 1992 and FY 2006, more than 506,000 employment-based immigrant visas went unused, as illustrated in the Appendix.[10] Administrative issues within the federal government, particularly prior to FY 2005, prevented the U.S. immigration system from distributing all of the employment-based green cards available under the law. The State Department reports that 180,039 of the 506,410 unused employment visas have been recaptured by special legislation.[11] That leaves more than 300,000 never utilized.

UNDERSTANDING THE EMPLOYMENT-BASED IMMIGRATION SYSTEM

To ensure the annual quotas are maintained, the State Department publishes priority dates in the Visa Bulletin each month. While some individuals blame the State Department for a lack of progress when waiting for a green card, in fact, that makes no more sense than blaming an umpire for calling a ball hit over the fence a home run. The State Department only implements the annual quotas as established by Congress.

Under the law, there are 5 employment-based preferences: First Preference (EB-1, priority workers); Second Preference (EB-2, worker with advanced degrees or exceptional ability); Third Preference (EB-3, professionals, skilled workers and other workers); Fourth Preference (EB-4, special workers, such as religious workers); and the Fifth Preference (EB-5, employment creation or investor visas). A total of 40,040, or 28.6 percent of the 140,000 annual quota is used by each of the first, second and third preferences. However, the first preference can use any numbers not utilized by the fourth and fifth preferences, which are limited to 7.1 percent (or 9,940) each. The second preference (EB-2) can use any numbers not utilized by EB-1, while EB-3, the third preference, can use any visa numbers not utilized by the EB-2 category.

In practice, even individuals with advanced degrees can fall under the EB-3, third preference, category due to agency rules. "The criteria for EB-2 is that the position requires the advanced degree, not just that the employee

[8] Section 202(a)(3) of the INA.
[9] *Immigration Benefits*, Government Accountability Office, November 2005 (GAO-06-20), p. 43. "There are also annual numerical limitations on the number of visas that can be allocated per country under each of the preference categories. Thus, even if the annual limit for a preference category has not been exceeded, visas may not be available to immigrants from countries with high rates of immigration to the United States, such as China and India, because of the per country limits."
[10] U.S. Department of State; USCIS Ombudsman, *Annual Report to Congress*, June 2010, p. 35.
[11] Ibid.

has a masters or higher," notes Warren Leiden, partner, Berry Appleman & Leiden.[12] In addition, other skilled workers are included in EB-3, which is why the wait times are the longest for individuals in that category. As noted, the per country limits can make the wait longer for individuals from larger countries, specifically India and China.

A visa number generally is "available" for an individual with a priority date earlier than the date listed in the State Department's most recent Visa Bulletin.[13] (As noted earlier, a priority date is usually triggered by the date a labor certification application or an immigrant petition is received by the federal government.) For example, in the November 2009 Visa Bulletin the cut-off date for the third preference for China was June 1, 2002. That means if an employer began the green card process and had filed before June 1, 2002 for labor certification for an employee born in China, then adjustment of status (for a green card) could be filed for that individual. However, if the labor certification application was not filed until August 2003, then there is no visa yet available for that individual and he would continue waiting.

In many cases, an individual is already in the United States in another status, such as H-1B status, while waiting for a green card. However, such individuals often are not promoted or hesitate to change jobs because doing so could materially change their green card applications and cause them to start the process over. In addition, it is likely their spouses are unable to work. Those waiting for a long time also risk being laid off or working for a company that goes out of business, particularly if the wait is many years. They are unlikely to have a chance to start a business based on a new idea or innovation, since that would risk their ability to stay in the United States.

WAIT TIMES AND BACKLOGS FOR EMPLOYMENT-BASED GREEN CARDS

The "Demand Data Used in the Determination of Employment Preference Cut-Off Dates," published by the State Department and regularly updated, is a useful document to start estimating backlogs.[14] However, State Department data do not include all cases at different stages in the process at U.S. Citizenship and Immigration Services. That means one needs to also look at numbers U.S. Citizenship and Immigration Services have made available, as well as formulating estimates based on past use of H-1B visas by year and nationality. Most employment-based cases are adjustment of status cases that take place in the United States. Since neither the State Department or U.S. Citizenship and Immigration Services can provide an exact number of individuals in the employment-based backlog, the best one can do is make reasonable estimates based on available information. To the extent one formulates estimates different than those appearing in this analysis, the wait times for people from specific countries will vary.

[12] Interview with Warren Leiden.
[13] Copies of any Visa Bulletin referred to in this paper can be found at: http://travel.state.gov/visa/bulletin/bulletin_1360.html.
[14] http://www.travel.state.gov/pdf/EmploymentDemandUsedForCutOffDates.pdf.

Table 2
Projected Wait Times for Employment-Based Green Cards (Third preference - EB-3)

	India (Persons with Priority Dates between July 8 2002 and July 15, 2004)	India (Persons with Priority Dates between July 15, 2004 and Nov. 22, 2005)	India (Persons with Priority Dates after Nov. 22, 2005 up to the present)	China (Persons with Priority Dates between July 15, 2004 and Nov. 22, 2005)	China (Persons with Priority Dates after Nov. 22, 2005 up to the present)	All Other Countries (Persons with Priority Dates after Nov. 22, 2005 up to the present)
How Long Have Most Been Waiting So Far (up to today)?	7 to 9 years	6 to 7 years	1 to 6 years	6 to 7 years	1 to 6 years	1 to 6 years
How Much Longer to Wait If No Change in Policy?	Up to another 11 years	Up to another 12 to 20 years	Another 21 to 70 years	2 to 3 years	4 to 24 years	1 to 5 years

Source: National Foundation for American Policy; Visa Bulletin, September 2011, U.S. Department of State.

The estimates included in this paper are as follows:

- 90,000 Indians and Chinese (principals and dependents) are in the EB-2 second preference backlog; there is no backlog in EB-2 for individuals from other countries.
- 210,000 Indians (principals and dependents) in the EB-3 backlog
- 55,000 Chinese (principals and dependents) in the EB-3 backlog.
- 150,000 individuals (principals and dependents) from *all other countries* in the EB-3 backlog.

Once one estimates the backlog, it is relatively simple math to project wait times for individuals from different countries, absent a change in the law. For example, the annual limit for Indians in the EB-3 category is 2,800 under the law due to the per country limit. According to data obtained from U.S. Citizenship and Immigration Services, only an average of 2,860 Indians received permanent residence in the EB-3 category in 2009 and 2010.[15] As Illustrated in Table 1, if one divides 2,860 (or rounds it up to 3,000) into the estimate of 210,000 Indians in the EB-3 backlog, we can conclude a new Indian professional applying today in that category could wait approximately 70 years to receive a green card. In practice, of course, neither a foreign national nor a company

[15] Processing issues or the ability to pierce the per country limit under the law in limited circumstances can lead to annual totals somewhat different than the specified per country limit in a category.

sponsor would be able to wait 70 years for the green card process to be completed. Even if "only" 100,000 Indians are in the EB-3 backlog, the projected wait time for a new green card applicant would still be over 30 years. That is still far too long for any individual or employer to wait.

For Chinese in the EB-3 third preference, an average of 2,280 immigrated through the category in 2009 and 2010. If approximately 55,000 Chinese are in the backlog, that would project to a wait time for a Chinese professional applying today in the EB-3 category of about 24 years. For countries other than India and China, the wait times for a new applicant in the EB-3 category are likely to be about 4 to 6 years.

IMPACT OF ELIMINATING THE PER COUNTRY LIMIT ON WAITING TIMES

Does it serve U.S. policy interests for skilled people from larger countries to wait longer for a green card than people from smaller countries? Given that the per country limit creates significant disparate impacts against professionals from India and China, the United States risks losing skilled workers from those countries unless Congress takes corrective action.

The best approach is to combine eliminating the per country limit with an increase in the number of employment-based green cards (or exemptions from the quotas). Eliminating the per country limit would be a positive step. For example, it would reduce a wait of potentially 70 years for a new Indian professional applying in the EB-3 (employment-based third preference) category down to 10 to 12 years, and for other Indian and Chinese (waiting the longest) it would reduce current waits of up to a decade down to one or two years. That would be an important achievement in efforts to retain skilled foreign nationals in the United States. In the EB-2 (employment-based second preference) category waits of about 6 years for Indian and Chinese could be reduced to one to two years.

We can estimate the impact of eliminating the per country limit by examining the EB-2 and EB-3 categories. The EB-2 limit is, in practice, about 50,000, having averaged 49,749 in 2009 and 2010. The category's annual limit is 40,040 or 28.6% of the 140,000 overall EB (employment-based) annual limit, but it can receive "fall down" from the EB-1, EB-4, and EB-5 categories.

The EB-2 category is "current" for individuals from countries other than India and China, meaning such individuals do not have any significant wait to receive an immigrant visa. (The September 2011 Visa Bulletin lists a "C" for current.) In contrast, individuals from India and China have generally been waiting about 4 years, depending on when they applied. For India and China the priority date for EB-2 was April 15, 2007, meaning anyone with a priority date after April 15, 2007 cannot receive an immigrant visa.

A gradual elimination of the per country limit would be a compromise that would permit individuals from countries other than China and India to continue immigrating during a transition to a true "first come, first serve" system. The current system is only first come, first serve for those from countries not affected by the per country limit.

Table 3
EB-2: Impact of Eliminating the Per Country Limit in Stages in 4 Years

	India	China	All Other Countries
How Long Have Most Been Waiting up to today and with no change in the Per Country Limit	More than 4 years (Will wait another 1 to 5 years)	More than 4 years (Will wait another 1 to 6 years)	0 years, no waiting, category is current
How Much Longer to Wait if (instead) Per Country Limit is Eliminated in Stages in 4 years?	1 to 2 years (up to 4 years less)	1 to 2 years (up to 5 years less)	Some will not wait longer, most others will wait 1 to 2 years more

Source: National Foundation for American Policy; Visa Bulletin, September 2011, U.S. Department of State; Office of Immigration Statistics, Department of Homeland Security.
Note: Wait times are estimated for the typical person in that category/filing date; those who filed most recently in those categories would come in after those who filed the latest.

H.R. 3012, a bill by Rep. Jason Chaffetz (R-UT) and Judiciary Committee Chair Lamar Smith (R-TX), would phase out the per country limit for employment-based immigrants over a four-year period. By the fourth year the per country limit would be eliminated entirely for employment-based immigrants.

The estimate of the current EB-2 backlog is 90,000 – 60,000 Indians and 30,000 Chinese. Under the bill referenced above, within two to three years, all Indians and Chinese currently in the EB-2 backlog would likely receive permanent residence.[16] Meanwhile, of the estimated 25,000 a year from other countries who immigrate in the EB-2 category, likely about half would receive green cards during the first two years and the rest would receive green cards likely in the following year. Eliminating the per country limit would provide relief to those with the longest wait and, after the transition period, place those applying in the EB-2 category on a true "first come, first serve" basis without regard to country of origin. However, to the extent the annual flow for EB-2 matches the annual quota of 50,000, then a backlog of 90,000 could still remain even if the per country limit is eliminated. Such a backlog would no longer exist exclusively of highly educated individuals from India and China.

[16] Approximately 50,000 immigrate each year in the EB-2 category.

Eliminating the per country limit in the EB-3 category would significantly reduce the wait times for Indian and Chinese skilled foreign nationals and somewhat raise those wait times for individuals from other countries. The annual EB-3 limit is 40,040 and averaged about that number in 2009 and 2010. A total of 5,000 (currently) are set aside for Other Workers (primarily low-skilled workers). That means about 35,000 skilled immigrants in the EB-3 category receive permanent residence each year.

Table 4
EB-3: Impact of Eliminating the Per Country Limit in Stages in 4 Years

	India (Persons with Priority Dates between July 1, 2002 and July 1, 2004)	**India (Persons with Priority Dates between July 1, 2004 and Nov. 22, 2005)**	**India (Persons with Priority Dates after Nov. 22, 2005 up to the present)**	**China (Persons with Priority Dates between July 15, 2004 and Nov. 22, 2005)**	**China (Persons with Priority Dates after Nov. 22, 2005 up to the present))**	**All Other Countries (Persons with Priority Dates after Nov. 22, 2005 up to the present)**
If No Change in Per Country Limit Policy	Been waiting 7 to 9 years and will wait up to another 11 years	Been waiting 6 to 7 years and will wait up to another 12 to 20 years	Been waiting 1 to 6 years and will wait another 21 to 70 years	Been waiting 6 to 7 years and will wait another 2 to 3 years	Been waiting 1 to 6 years and will wait another 4 to 24 years	Been waiting 1 to 6 years and will wait another 1 to 5 years
How Much to Wait if (instead) Per Country Limit is Eliminated in Stages in 4 years?	Will wait 1 to 2 years (9 to 10 years less)	Will wait 1 to 2 years (11 to 18 years less)	Will wait 3 to 12 years (18 to 58 years less)	Will wait 1 to 2 years (1 to 2 years less)	Will wait 3 to 12 years (1 to 12 years less)	Will wait 1 to 12 years (1 to 7 years more)

Source: National Foundation for American Policy; Visa Bulletin, September 2011, U.S. Department of State; Office of Immigration Statistics, Department of Homeland Security. Note: Wait times are estimated for the typical person in that category/filing date; those who filed most recently in those categories would come in after those who filed the latest.

There are estimated to be approximately 60,000 to 70,000 Indian and Chinese with priority dates prior to November 22, 2005 (as listed in the September 2011 Visa Bulletin). If the per country limit was eliminated, then these individuals (the number includes the principals and dependents) would receive permanent residence within two years. This would represent a significant change, since such individuals have already been waiting 6 to 9 years and many would be expected to wait up to 12 years longer without any change in the law.

What about the rest of those in the current EB-3 backlog after the per country limit is eliminated? After the Indian and Chinese with priority dates prior to November 22, 2005 receive permanent residence, all individuals from all countries would receive green cards on a true first come, first serve basis.

If we estimate the remaining existing backlog in the EB-3 category after the first two years as 350,000, then that would mean it would take about 10 additional years to clear such a backlog (approximately 35,000 a year). The 350,000 is estimated as follows: India: 150,000; China: 50,000; All Other Countries: 150,000.

However, note that during this 12-year period (including the two years to clear the Indian/Chinese backlog with priority date prior to November 22, 2005), new skilled foreign nationals would be sponsored for permanent residence. To the extent their annual totals (including dependents) exceeded 35,040, the wait time for each new skilled foreign national would exceed 12 years. This points to the need for solutions beyond the elimination of the per country limit. Eliminating the per country limit in itself will not reduce the number of people in the EB-3 backlog but it will equalize the waits, help those waiting the longest and change the composition of the backlog.

IMPACT OF CREATING A 50K STEM EXEMPTION

Eliminating the per country limit is a smart policy choice and also a prerequisite for broader reform, since adding more numbers without eliminating the per country limit would mostly help those who already wait the shortest, rather than those who wait the longest. It is worth asking the question: What would happen to wait times if, after eliminating the per country limit, Congress created an exemption of 50,000 visas a year for international students with a valid job offer and a graduate degree in science, technology, engineering or mathematics (STEM) from a U.S. university?

If, in conjunction with eliminating the per country limit, Congress created a 50,000 graduate student STEM exemption from the current employment-based annual quota, the following is likely to be the result:

- The backlog in the EB-2 (employment-based second preference) category would be eliminated and the category would become current within three years and stay current (no backlogs).[17]
- The exemption would help create a fall down of visas to the EB-3 (employment-based third) category that would eliminate the EB-3 backlog and make the category current within 10 years.[18] The EB-3 category already includes many advanced degree holders.

After eliminating the per country limit as described earlier, a STEM exemption of only 25,000 a year would make the EB-2 category current within 4 years. However, it would take about 20 years to eliminate the EB-3 backlog and make the EB-3 category current with a 25,000 a year STEM exemption. It would likely create, in effect, a fall down of about 20,000 visas a year to EB-3 that would reduce the wait times in that category.

Table 5
Impact of Various Legislative Scenarios on Employment-Based Immigrant Wait Times

	Eliminating Per Country Limit and Creating 50K STEM Exemption	**Eliminating Per Country and Creating 25K STEM Exemption**	**Eliminating Per Country Limit and Reallocating 326,000 Unused Visas**	**Eliminating Per Country Limit, Reallocating 326,000 Unused Visas and 25K STEM Exemption**
EB-2 Category	Would eliminate backlog and make category current within 2 years	Would eliminate backlog and make category current within 4 years	Would eliminate backlog and make category current within 1 year	Would eliminate backlog and make category current within 1 year
EB-3 Category	Would eliminate backlog and make category current in 10 years	Would eliminate backlog and make category current in 20 years.	Would reduce wait times by about 7 years, leaving average of 5 year wait	Would make category current in 6 years

Source: National Foundation for American Policy; U.S. Department of State; Office of Immigration Statistics, U.S. Department of Homeland Security. For analysis purposes, the estimate of the impact under various scenarios assumes the annual flow of sponsored individuals and dependents matches the current quota for EB-2 (50,000) and EB-3 (35,040). To the extent the annual flow is higher or lower, then that would change the impact of a STEM exemption or other legislative change on backlogs and wait times.

[17] If the category becomes current it could encourage more applicants to file in the EB-2 category, which could affect these estimates.

[18] If one assumes a current EB-3 backlog of 415,000 and assumes a sufficient fall down to create a total of 80,000 visas a year to be used in the EB-3 category, then that would eliminate that backlog within approximately 5 years. However, it is likely for the first two years, the 50,000 exemption would be utilized primarily to eliminate the EB-2 backlog before being utilized to reduce the EB-3 backlog.

RESTORING UNUSED EMPLOYMENT VISAS AND ADDING MORE VISAS

If instead of creating a 50,000 exemption for STEM graduate students, Congress reallocated the 326,000 employment-based immigrant visas that have gone unused, it would first eliminate the EB-2 backlog (90,000) within a year, and then reduce the current estimated 415,000 backlog in EB-3 to 179,000. After the elimination of the per country limit, that would reduce the wait time of individuals who applied new in the EB-3 category from 11 or 12 years down to about 5 years. If Congress added 25,000 more to the annual quota after allocating the 326,000 unused employment-based immigrant visas, then that would likely make the category current in approximately 6 years.

For analysis purposes, the estimate of the impact under various scenarios assumes the annual flow of sponsored individuals and dependents matches the current quota for EB-2 (50,000) and EB-3 (35,040). To the extent the annual flow is higher or lower, then that would change the impact of a STEM exemption or other legislative change on backlogs and wait times.

THE LONG WAIT FOR FAMILY IMMIGRANT VISAS

A common criticism of the U.S. immigration system is it tilts heavily toward family admissions. This rests, in part, on the false notion that any close relations sponsored by U.S. citizens quickly come to America as permanent residents. The wait times for sponsoring a close family member are long and, in some cases, extremely long. In a November 2010 report, the State Department tabulated more than 4.5 million close relatives of U.S. citizens and lawful permanent residents on the immigration waiting list who have registered for processing at a U.S. post overseas.[19] That does not include individuals waiting inside the United States, such as in a temporary visa status, who would gain a green card via adjustment of status at a U.S. Citizenship and Immigration Services office. Counting such individuals as well would likely increase the waiting list to over 5 million.[20]

In general, a U.S. citizen can sponsor for permanent residence a spouse, child, parent or sibling. A lawful permanent resident (green card holder) can sponsor a spouse or child. The wait times and quotas vary for the categories, with the application of per-country limits creating much longer waits in some preference categories for nationals of Mexico and the Philippines.

[19] "Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based Preferences Registered at the National Visa Center as of November 1, 2010," U.S. Department of State, Bureau of Consular Affairs, Immigrant Visa Statistics, November 2010.

[20] One can estimate the additional individuals not counted in the State Department document by examining the proportion of individuals in each family preference category who are listed as adjustments, rather than "new arrivals," in Table 7 of the annual Y*earbook of Immigration Statistics*, published by the U.S. Department of Homeland Security.

For example, the wait time for a U.S. citizen petitioning for a brother or sister from the Philippines exceeds 20 years. The State Department Visa Bulletin, where, as of September 2011, it stated the U.S. government would only process applications filed prior to July 8, 1988 for siblings from the Philippines. In other words, American citizens with brothers or sisters in that country who filed while Ronald Reagan was still president of the United States and before the Berlin Wall fell are still waiting for their relatives to join them. For siblings from countries other than Mexico and the Philippines the wait times are closer to 10 years.[21] (All estimates are based on an examination of the visa bulletins and other data from the State Department and U.S. Citizenship and Immigration Services. Wait times can vary based on factors beyond the scope of this analysis, such as economic conditions.)

Table 6
Estimated Wait Times for Family-Sponsored Immigrants

	China	India	Mexico	Philippines	All Other Countries
Unmarried Adult Children of U.S. Citizens (1st Preference) 23,400 a year	7 year wait	7 year wait	18 year wait	15 year wait	7 year wait
Spouses and Minor Children of Permanent Residents (2nd Preference – A) 87,934 a year*	3 year wait	3 year wait	3 year wait	3 year wait	3 year wait
Unmarried Adult Children of Permanent Residents (2nd Preference - B) 26,266 a year	8 year wait	8 year wait	19 year wait	10 year wait	8 year wait
Married Adult Children of U.S. Citizens (3rd Preference) 23,400 a year	10 year wait	10 year wait	19 year wait	19 year wait	10 year wait
Siblings of U.S. Citizens (4th Preference) 65,000 a year	11 year wait	11 year wait	15 year wait	23 year wait	11 year wait

Source: U.S. Department of State Visa Bulletin, September 2011; National Foundation for American Policy.

[21] Wait times for sponsored family immigrants are estimated based primarily on an examination of the priority date cut-offs listed in the State Department Visa Bulletin. Due to the per country limit and economic or other factors that may cause applicants to abandon petitions, greater precision in estimating the wait times for family-based immigrants is difficult.

The expected waiting times are quite long for other family categories as well. A U.S. citizen petitioning for either a married (3rd preference) or unmarried (1st preference) son or daughter (21 years or older) from Mexico can expect to wait about 18 years.[22] There is a similar wait time for married sons and daughters from the Philippines. The wait is an estimated 7 years for U.S. citizens with unmarried sons and daughters in other countries.[23]

The spouses and children of lawful permanent residents (green card holders) – the second preference (2A) – also experience long waits for legal immigration, with the current wait time estimated to be about 3 years. The wait for unmarried sons and daughters of lawful permanent residents (2B) is about 8 years for all countries except Mexico, which has a 19 year wait, and the Philippines, where the wait is approximately 10 years.[24]

Table 7
Family-Sponsored Immigrants Waiting For Processing Abroad (November 2010)

Family-Sponsored Preference Categories and annual quota	Individuals Waiting in Immigration Backlog for Processing at Overseas Post
1st Preference – Unmarried Adult Children of U.S. Citizens (23,400)	271,018
2nd Preference (2A) – Spouses and Minor Children of Permanent Residents (87,934)	361,038
2nd Preference (2B) Unmarried Adult Children of Permanent Residents (26,266)	552,573
3rd Preference – Married Adult Children of U.S. Citizens (23,400)	853,083
4th Preference – Siblings of U.S. Citizens (65,000)	2,515,062
TOTAL	4,552,774

Source: "Annual Report of Immigrant Visa Applicants in the Family-sponsored and Employment-based Preferences Registered at the National Visa Center as of November 1, 2010," U.S. Department of State, Bureau of Consular Affairs. Note: The formal names of the categories cited above utilize "sons and daughters" and "brothers and sisters" in place of "adult children" and "siblings." A proportion of individuals on the list may be in the United States but have chosen to be processed at an overseas post. There are also several hundred thousand individuals not on this list who will be processed inside the United States via adjustment of status.

[22] Ibid.
[23] Ibid.
[24] State Department Visa Bulletin. The spouses and minor and adult children of Permanent Residents category is 114,200 annually "plus the number (if any) by which the worldwide family preference level exceeds 226,000." 75% of spouses and minor children of lawful permanent residents are exempt from the per-country limit. Wait times are approximate as of May 2010.

THE FAMILY CATEGORIES

An "immediate relative" of a U.S. citizen can immigrate to America without being subjected to an annual quota. This is important, since it is the relatively low quotas in the family and employer-sponsored preference categories that lead to waits of often many years for would-be immigrants. While there is no numerical limit in the immediate relative category, processing would still normally takes several months. The three primary immediate relatives included in the category are: spouses of U.S. citizens; unmarried children of a U.S. citizen (under 21years old, or under 16 if adopted);[25] and parents of U.S. citizens, if the petitioning citizen is at least 21 years old.[26]

Below are the descriptions of the four family-sponsored preferences as detailed in the monthly visa bulletin:

"First – Unmarried Sons and Daughters of Citizens: 23,400 a year.

"Second – Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200 A. Spouses and Children: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit; B. Unmarried Sons and Daughters (21 years of age or older): 23% of the overall second preference limitation.

"Third – Married Sons and Daughters of Citizens: 23,400.

"Fourth – Brothers and Sisters of Adult Citizens: 65,000."[27]

The policy rationales offered for eliminating family immigration categories in recent years fail to hold up under scrutiny, appearing more contrived than substantive. For example, some have argued that the wait times in some of the family categories are so long that it gives people "false hope." But this argument strikes one as crying "crocodile tears" for those waiting in line. The fact that long waits exist in some categories simply means that Congress has not raised the limits to correspond with the demand. The solution is not to eliminate categories and thereby guarantee Americans in the future could never reunite with certain loved ones.

WHY THE CALLS TO REDUCE FAMILY-SPONSORED IMMIGRANTS?

In all the various calls made over the years to eliminate family categories there has been no real policy rationale offered for inflicting a policy that would create so much hardship on so many Americans. The argument appears to rest on a presumption that the goal of U.S. society should be to keep as many foreign-born people out of the

---

[25] Susan Fortino-Brown, "Family-Sponsored Immigration, in *Navigating the Fundamentals of Immigration Law: Guidance and Tips for Successful Practice, 2007-08 Edition*, ed., Grace E. Akers, (Washington, DC: American Immigration Lawyers Association, 2007), p. 315. She notes, "If the child is a natural sibling of a child who has been adopted under the age of 16, the older sibling may immigrate through adoption by the same parents before the age of 18."

[26] Ibid., p. 311.

[27] Ibid. Under the law, if numbers are not needed in the fourth preference, they are added to the first preference. The third and fourth preference could also receive additional numbers if the categories above them are not fully utilized. Since all the categories are oversubscribed this part of the law does not have a practical impact on the annual flow.

country as possible. Therefore, it is argued, Congress should eliminate at least some family categories, even if it serves no real purpose to do so.

The 65,000 individuals who enter through the sibling category each year equal about 6 percent of overall U.S. legal immigration in a given year. And the annual flow from the sibling category represents only 0.02 percent of the U.S. population. Similarly, the 23,400 in each of the categories for the sons and daughters of U.S. citizens – 21 or older, unmarried and married – equal only about 2 percent of overall legal immigration and 0.008 percent of the U.S. population annually. Eliminating these categories would produce only a small drop in overall legal immigration and lead to great hardship for tens of thousands of Americans and their loved ones. It is difficult to argue denying the reunification of these individuals with American families serves any legitimate policy purpose – and a general dislike of immigrants or immigration is not a legitimate policy purpose for a member of Congress.

Even if Congress eliminated certain family categories, it seems inconceivable Congress would do so without "grandfathering" in all those who already have pending family petitions and are waiting for an immigrant visa to become available. It would be an extraordinary act of bad faith to deny those who have been waiting for years the opportunity to complete the immigration process.

Table 8
Adult Children and Siblings of U.S. Citizens: Small Percentage of Annual Immigration Flow and U.S. Population (2010)

Category	Percentage of U.S. Legal Immigration Annually	Percentage of U.S. Population Annually
Siblings of U.S. Citizens	6 percent	0.02 percent
Unmarried Sons and Daughters of U.S. Citizens (21 or older)	2 percent	0.008 percent
Married Sons and Daughters of U.S. Citizens (21 or older)	2 percent	0.008 percent

Source: National Foundation for American Policy analysis of 2010 legal immigration numbers as reported by Office of Immigration Statistics, Department of Homeland Security.

THE CHAIN MIGRATION MYTH

As noted in a May 2010 NFAP report, one argument made for eliminating family categories is it would reduce something called "chain migration." However, "chain migration" is a contrived term that seeks to put a negative light on a phenomenon that has taken place throughout the history of the country – some family members come to America and succeed, and then sponsor other family members.

The U.S. Citizenship and Immigration Service Ombudsman helped illustrate how long it can take for even one person to immigrate to the United States,[28] let alone the time it would take for that immigrant of the immigrant's spouse to become a citizen, file the paperwork for a relative, and wait for that relative to enter. The Ombudsman used the example of an unmarried adult son or daughter from Mexico. Table 9 uses the same figures, but substitutes "married" for unmarried to illustrate the example. The wait time for married sons and daughters is longer than for unmarried, which means this example underestimates the actual years of waiting.

Table 9
The Myth of Chain Migration: 41 Years Passing Between Application for First Immigrant and Entry of Second Family-Sponsored Immigrant

Action	Year Occurred	Years Elapsed
U.S. Citizen Files a Petition for Adult Married Son or Daughter Who is a Citizen of Mexico	1992	
Immigrant Visa Becomes Available	2010	18 years
Administer Consular Processing, Security Checks, and Interviews	2011	1 year
The Spouse of the New Immigrant Waits 5 Years and Applies to Become A Citizen	2016	5 years
Completes Naturalization Process	2017	1 year
Now a U.S. Citizen, the Spouse of the Former Adult Married Son or Daughter from Mexico Files a Petition for a Brother	2017	0 year
Immigrant Visa Becomes Available	2032	15 years
Administer Consular Processing, Security Checks, and Interviews and the "Chain" Relative Enters	2033	1 year
Total Time Between the Application of the First Immigrant and the Entry of the Second immigrant in the "Chain"		**41 years**

Citizenship and Immigration Services Ombudsman, *Annual Report 2010*, U.S. Department of Homeland Security, June 30, 2010, p. 32.

[28] Citizenship and Immigration Services Ombudsman, *Annual Report 2010*, U.S. Department of Homeland Security, June 30, 2010, p. 32.

Using the Ombudsman's figures, a U.S. citizen filed a petition for an adult son or daughter who is a citizen of Mexico in 1992. A total of 18 years would pass until 2010, when the immigrant visa for that adult son or daughter would become available. Another year would pass to administer consular processing, security checks and interviews. Finally, in 2011, 19 years after the U.S. citizen filed the petition, the son or daughter could legally immigrate to the United States.

The example illustrated in the table assumes the spouse of the married son or daughter decided to file a petition for a sibling. That spouse would need to wait approximately 6 years to become a U.S. citizen. Then, in 2017, the spouse could likely file a petition for the sibling to immigrate. Based on current waiting wait times, it would take until about the year 2032, or another 15 years, for an immigrant visa to become available for a sibling from Mexico. After another year for processing, the sibling could immigrate in 2033 – 41 years after the initial application was filed for the son or daughter of the U.S. citizen. This does not sound like the "endless" chain of relatives heard about from critics. In addition, all of the immigrants in this example would immigrate under the legal quotas established by Congress.

More Visas Would Reduce Family Wait Times

The primary way to shorten the wait time for family-sponsored immigrants is to add more visas beyond the annual total of 226,000. Relaxing the per country limit would help those with the longest wait times, particularly from Mexico and the Philippines. The Chaffetz-Smith bill would move the per country limit to 15 percent for family categories, which would aid those who have been waiting a decade or longer in some categories. The USCIS Ombudsman has noted that between FY 1992 and FY 2009, 241,928 family-sponsored preference numbers went unused, primarily due to administrative issues within the federal government. If those numbers were made available, they would reduce wait times in the family categories. To the extent the annual quotas were raised for specific preference categories, then it would also reduce the wait times. For example, raising the annual quota of 23,400 for the unmarried sons and daughters of U.S. citizens by 10,000 a year would, over time, reduce the wait times by a number of years.

Conclusion

Unlike seemingly intractable budget or foreign policy issues, the problems with employment-based and family-sponsored green cards can be solved with small changes to the law. Eliminating the per country limit for employment-based immigrants and liberalizing it for family-sponsored immigrants would have an important positive impact. Raising the quotas or providing exemptions from those quotas, as well as utilizing unused visas from previous years could significantly reduce waiting times. Such reforms are necessary. After all, an ability to wait a long time should not be the characteristic most prized in an immigrant to the United States.

APPENDIX

Appendix 1
Unused Employment-Based Visas FY 1992-FY 2009

Fiscal Year	Unused Employment Preference Numbers
1992	21,207
1993	0
1994	29,430
1995	58,694
1996	21,173
1997	40,170
1998	53,571
1999	98,491
2000	31,098
2001	5,511
2002	0
2003	88,482
2004	47,305
2005	0
2006	10,288
2007	0
2008	0
2009	0
2010	0
Total	**506,410 (180,039 were recaptured by special legislation)**

Source: U.S. Department of State; USCIS Ombudsman, *Annual Report to Congress*, June 2010, p. 35.

ABOUT THE AUTHOR

Stuart Anderson is Executive Director of the National Foundation for American Policy, a non-profit, non-partisan public policy research organization in Arlington, Va. Stuart served as Executive Associate Commissioner for Policy and Planning and Counselor to the Commissioner at the Immigration and Naturalization Service from August 2001 to January 2003. He spent four and a half years on Capitol Hill on the Senate Immigration Subcommittee, first for Senator Spencer Abraham and then as Staff Director of the subcommittee for Senator Sam Brownback. Prior to that, Stuart was Director of Trade and Immigration Studies at the Cato Institute in Washington, D.C., where he produced reports on the military contributions of immigrants and the role of immigrants in high technology. He has an M.A. from Georgetown University and a B.A. in Political Science from Drew University. Stuart has published articles in the *Wall Street Journal*, *New York Times*, *Los Angeles Times*, and other publications. He is the author of the book *Immigration* (Greenwood, 2010).

ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

Established in the Fall 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) non-profit, non-partisan public policy research organization based in Arlington, Virginia focusing on trade, immigration and related issues. The Advisory Board members include Columbia University economist Jagdish Bhagwati, former U.S. Senator and Energy Secretary Spencer Abraham, Ohio University economist Richard Vedder, former INS Commissioner James Ziglar and other prominent individuals. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post*, and other major media outlets. The organization's reports can be found at www.nfap.com.